

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA  
for the use of BELT CON CONSTRUCTION,  
INC.,

Plaintiff,

vs.

No. CIV 02-1398 JB/LAM

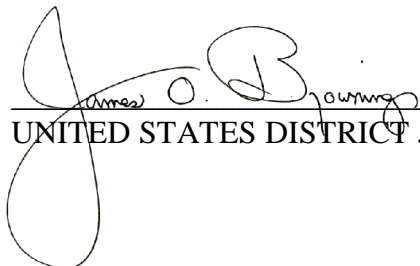
METRIC CONSTRUCTION, INC.,  
AND SAFECO INSURANCE COMPANY OF  
AMERICA ,

Defendants.

**MEMORANDUM OPINION AND ORDER**

**THIS MATTER** comes before the Court on the Defendant's Motion for Partial Summary Judgment, filed August 12, 2004 (Doc. 66). The Court held a hearing on this motion on September 2, 2004. Based on the reasons given on the record, and consistent therewith, the Court denies the motion.

**IT IS ORDERED** that the Defendant's Motion for Partial Summary Judgment is denied.

  
UNITED STATES DISTRICT JUDGE

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– and –

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